

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EUGENE C. SHEPHERD,

Plaintiff,

-v-

No. 11 Civ. 6860(LTS)(RLE)

JAMES POWERS et al.,

Defendants.
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ORDER

Defendants in this action object to Magistrate Judge Ellis' January 22, 2013, order denying their request to bifurcate discovery as to the Plaintiff's claims against the individual Defendants from those against the County.¹ Where, as here, a party files an objection to a magistrate judge's order on a nondispositive matter, the district judge "shall modify or set aside any portion of the . . . order found to be clearly erroneous or contrary to law." Fed. R. Civ. P. 72(a); Catskill Dev., L.L.C. v. Park Place Entm't Corp., 206 F.R.D. 78, 86 (S.D.N.Y. 2002) (order on a nondispositive matter may be reversed where it is contrary to law, and "fails to apply or misapplies relevant statutes, case law or rules of procedure"). Moreover, it is well-settled that "[a] magistrate judge's resolution of discovery disputes deserves substantial deference." Surles v. Air France, 210 F. Supp. 2d 502 (S.D.N.Y. 2002). The Court has carefully considered Defendants' arguments and finds that they have failed to meet their burden of showing that Judge Ellis' order was clearly erroneous or contrary to law. Accordingly, Defendants' Rule

¹ A summary of the parties and claims in this action is contained in the Court's September 27, 2012, Memorandum Order and Opinion. See Shepherd v. Powers, 11 Civ. 6860(LTS), 2012 WL 4477241 (S.D.N.Y. Sept. 27, 2012).

72(a) motion is denied. Magistrate Judge Ellis' order is hereby affirmed. This Order resolves docket entries no. 136.

SO ORDERED.

Dated: New York, New York
May 14, 2013

/S
LAURA TAYLOR SWAIN
United States District Judge